



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

**JUL 22 2016**

The Honorable William G. Bostic, Jr.  
Chief, Foreign Trade Division  
U.S. Census Bureau  
4600 Silverhill Rd.  
Room 6K 118 A  
Washington, D.C. 20233

Attn: Ms. Keisha Pickeral

Re: Export Declaration or Automated Export System information for Caribbean All  
Metal Recyclers Corp.

Dear Mr. Bostic:

The United States Environmental Protection Agency (EPA), Region 2, pursuant to the authority granted EPA in the Solid Waste Disposal Act, as amended by, *inter alia*, the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 (collectively, "RCRA"), 42 U.S.C. 6901 *et seq.*, is investigating the possible unlawful export of spent lead acid batteries. One of the companies being investigated is Caribbean All Metal Recyclers Corp. (CAMR) which is located at Rd 848, Km 2.9, San Anton Ward, Carolina, Puerto Rico 00978.

Under RCRA, spent lead acid batteries ("SLABS") that will be reclaimed are classified as hazardous waste. Pursuant to 40 C.F.R. § 266.80(a), persons who "generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes...may be exempt from certain hazardous waste management requirements." The table set forth in 40 C.F.R. Part 266, Subpart G, sets forth which specific RCRA requirements are applicable to such persons and those RCRA requirements from which such persons are exempted. As an alternative, 40 C.F.R. § 266.80(a) provides that such persons "may choose to manage [their] spent lead-acid batteries under the 'Universal Waste' rule in 40 CFR part 273," with the battery-specific rules set forth at 40 C.F.R. §§ 273.13(a) and 273.33(a).

When reclamation of the SLABs will take place in a foreign country, the facility exporting them is subject to 40 C.F.R. Part 261 and 40 C.F.R. § 262.11 and other relevant provisions of RCRA. Under RCRA, any person exporting a hazardous waste from the United States is subject to RCRA export requirements:



- Exporters of hazardous waste (e.g., SLABs) to member countries of the Organization for Economic Cooperation and Development (OECD) must comply with RCRA implementing regulations described in 40 CFR Part 262, Subpart H. For the purposes of Subpart H, the designated OECD member countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.
- Exporters of hazardous waste to Canada, Mexico, or non-OECD countries are responsible for complying with RCRA implementing regulations described in 40 C.F.R. Part 266, Subpart E.

In order to determine the applicability of these regulations to CAMR's operations and to determine whether an enforcement action against the owner/operator of the CAMR facility would be appropriate, EPA Region 2 is attempting to identify all export activities in which CAMR has played a role since January 1, 2014. We have obtained copies of bills of lading for SLAB shipments to the Republic of Korea and China that identify CAMR as "Forwarding Agent" and MIJ International DMCC (of Dubai, U.A.E.; <http://mijinternational.com/webMIJ/pageContent.php?pid=3>) as "Consignee." In May and June 2015, the vessels bearing the exported batteries to these countries were the *CFS Pagola*, the *George I*, and the *CS Sebutal*.

It is EPA Region 2's understanding that whenever the value of an export shipment exceeds \$2,500, a Shipper's Export Declaration (SED) or an Automated Export System (AES) form must be filed. We are therefore asking the Foreign Trade Division of the Census Bureau to provide EPA Region 2 with copies of all SEDs or AES forms filed by (or signed by) CAMR since January 1, 2014.

Please be advised that EPA Region 2 will handle any information received from the Foreign Trade Division in accordance with the RCRA Confidential Business Information (CBI) requirements at 40 C.F.R. Part 2. Accordingly, we anticipate restricting access to any information received from the Foreign Trade Division to the following persons (or any other EPA employee who might subsequently be assigned to this matter and/or to any other person as permitted by applicable law):

Sam Kerns – Enforcement Officer, Hazardous Waste Compliance Section  
Derval Thomas – Supervisor, Hazardous Waste Compliance Section  
Lee Spielmann – Attorney, Office of Regional Counsel  
John Brogard – Confidential Business Information Coordinator for EPA Region 2

If you have any other documentation pertinent to our investigation or if you have any questions, please contact Sam Kerns of my staff at (212) 637-4062 ([kerns.sam@epa.gov](mailto:kerns.sam@epa.gov)).

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'L. Voo', written in a cursive style.

Leonard Voo, Chief  
RCRA Compliance Branch

